

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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JOHN J. VAUGHN, GERALD A.	:	
KALBFLEISCH, MICHAEL HATHAWAY	:	
and MYRTLE HATHAWAY	:	
	:	
Plaintiffs,	:	
	:	Civil Action
v.	:	No. 04-10988-GAO
	:	
PUTNAM INVESTMENT	:	
MANAGEMENT, LLC and PUTNAM	:	
RETAIL MANAGEMENT, LLP	:	
	:	
Defendants.	:	
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JOINT MOTION TO AMEND SCHEDULING ORDER

All parties respectfully ask this Court for a three-month extension of the dates set forth in the Court's scheduling order dated September 22, 2005. The grounds for this motion are as follows:

1. Plaintiffs bring this action for alleged excessive fees under Section 36(b) of the Investment Company Act of 1940 purportedly on behalf of five mutual funds against the advisor of the funds, Defendant Putnam Investment Management, LLC, and the underwriter and distributor, Putnam Retail Management Limited Partnership.¹

2. On September 22, 2005, the Court held a hearing on Plaintiffs' Motion for Leave to File a Second Amended Complaint, Defendants' Motion for Partial Summary Judgment,

¹ On July 11, 2006, the parties filed a joint motion to properly name Defendant Putnam Retail Management Limited Partnership, which was incorrectly named as Putnam Retail Management, LLP in the Second Amended Complaint.

and Defendant's Motion to Stay Discovery, which motions, *inter alia*, raised the issue of whether the Plaintiffs could proceed with the action on behalf of certain of the mutual funds. The Court took the matter under advisement, and entered a scheduling order with a fact discovery deadline of September 30, 2006.

3. On January 19, 2006, the Court entered its orders with respect to the pending motions, settling the question of which mutual funds are at issue in the case.

4. On January 27, 2006, Defendants began producing their documents in response to Plaintiffs' First Set Of Requests For The Production Of Documents. To date, Defendants have produced on a rolling basis over 150,000 hard copy pages of documents.-

5. Plaintiffs produced documents in response to Defendants' First Set Of Requests For The Production Of Documents And Tangible Things on July 27, 2006.

6. The parties have been discussing the process and production of Defendants' e-mails, which Defendants anticipate will be a substantial production. No e-mails have yet been produced, pending the outcome of these discussions.

7. In light of the foregoing, the parties respectfully request that the deadline for fact discovery be extended by 3 months, and that the remainder of the deadlines under the scheduling order be adjusted accordingly as follows:

- Fact discovery ends December 31, 2006;
- Plaintiffs' Expert Reports due 45 days thereafter, on February 14, 2007;
- Defendants' Expert Reports due 60 days thereafter, on April 15, 2007;
- Plaintiff's Rebuttal Reports due 30 days thereafter, on May 15, 2007;
- Expert depositions to be concluded 30 days thereafter, on June 14, 2007;

- Summary judgment motions to be filed no later than 30 days thereafter, on or before July 14, 2007; and
- Status conference to be held at the scheduling convenience of the Court.

WHEREFORE, the parties respectfully request that this Court enter an Order modifying the Scheduling Order consistent with the relief sought by this Motion.

PUTNAM INVESTMENT MANAGEMENT,
LLC AND PUTNAM RETAIL
MANAGEMENT LIMITED PARTNERSHIP

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Dated: August 1, 2006

CERTIFICATE OF SERVICE

I, David E. Marder, hereby certify that on August 1, 2006, a true copy of the Joint Motion to Amend Scheduling Order was served electronically through the ECF System and by first class mail, postage prepaid, to those counsel of record indicated as non-registered ECF participants.

/s/ David E. Marder

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